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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,936	08/11/2006	Shigeaki Tamura	KOD200B.001APC	8101
20995 7590 03/23/2010 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER HOLT, ANDRIAE M	
			ART UNIT 1616	PAPER NUMBER
			NOTIFICATION DATE 03/23/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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DETAILED ACTION

Claims 1-45 are pending in the application.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-6, drawn a method for beauty treatment or makeup comprising exposing a skin to the light obtained by chemical luminescence.

Group II, claim(s) 7-10, and 33, drawn to the luminous body and the tool for irradiating the skin for beauty treatment or makeup characterized in that the light for irradiating the skin is selected from the wavelength range of 300 to 1200 nm.

Group III, claim(s) 11-13 and 17, drawn to a method for whitening makeup or whitening beauty treatment comprising exposing a skin to the light of chemical luminescence.

Group IV, claim(s) 14-16, 18, 35, and 39-40, drawn to a whitening luminous body containing a luminescent reagent and a tool for whitening makeup.

Group V, claim(s) 34, drawn to a skin masking material, characterized in that the tool for beauty treatment or makeup is used for face masking or for body masking.

Group VI, claim(s) 19-20, drawn to a beauty treatment method or a makeup method, characterized in that the growth of fibroblast and/or the synthesis of collagen is promoted by exposing a skin to the light of chemical luminescence.

Group VII, claim(s) 21-22, 36, and 41-42, drawn to a luminous body and tool characterized in that a luminescent reagent that emits fluorescent light to promote the growth of fibroblast and/or the synthesis of collagen is characterized by exposing a skin is contained.

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Group VIII, claim(s) 23-25, drawn to a light anti-aging method comprising exposing a skin to blue fluorescent light.

Group IX, claim(s) 26-27, 37, and 43-44, drawn to a luminous body and tool for light anti-aging characterized by containing a chemical luminescent reagent to irradiate a skin with blue fluorescent light.

Group X, claim(s) 28-29, drawn to a method to increase blood flow by exposing a skin to fluorescent light of chemical luminescence and/or near-infrared rays of chemical luminescence.

Group XI, claim(s) 30-32, 38, and 45, drawn to a luminous body and a tool to increase blood flow which contains a chemical luminescent reagent that emits fluorescent light and/or near-infrared rays.

The inventions listed as Groups I-X do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The inventions are different inventions. For example, Invention VI is drawn to a beauty treatment and method or a makeup method, characterized in that the growth of fibroblast and/or the synthesis of collagen is promoted by exposing a skin to the light of chemical luminescence, where as, invention VIII is a light anti-aging method comprising exposing a skin to blue fluorescent light. Thus, claims drawn to different inventions cannot be considered to be a special technical feature.

A telephone call was made to Daniel Altman on March 10, 2010 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process

claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder.** Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Applicant is reminded in order for the restriction requirement to be complete an election of a single invention from Groups I-XI should be made.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andriae M. Holt whose telephone number is (571)272-9328. The examiner can normally be reached on 7:00 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richter Johann can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andriae M. Holt
Patent Examiner, Art Unit 1616

/John Pak/
Primary Examiner, Art Unit 1616